Issues Related to the Protection of Civilians in UN Peacekeeping Operations in Sudan

Katsumi Ishizuka
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Working Paper Series
Studies on Multicultural Societies No.24

2013
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Afrasian Research Centre, Ryukoku University
1-5 Yokotani, Seta Oe-cho, Otsu,
Shiga, JAPAN
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ISBN 978-4-904945-40-7

The opinions expressed in this paper are those of the author and do not necessarily reflect the views of the Afrasian Research Centre.

The publication of the Working Paper Series is supported by the Project for Strategic Research Base Formation Support at Private Universities with the theme “Research into the Possibilities of Establishing Multicultural Societies in the Asian-Pacific Region: Conflict, Negotiation, and Migration” (from 2011 to 2013), funded by the Ministry of Education, Culture, Sports, Science, and Technology, and Ryukoku University.
Introduction

In the post-Cold War period, the international community has identified an overwhelming number of cases of war crimes and related human suffering, including the brutal killing of civilians, torture, and sexual violence in the midst of internal armed conflict. As a result, the concept and norm of protection of civilians (POC) as well as “the responsibility to protect” and “human security,” has emerged as one of the efforts of the international community to prevent such serious breaches of international humanitarian laws. The application of POC to the mandate of UN peacekeeping operations was encouraged, particularly as a result of independent inquiries into the failure to prevent the crime of ethnic cleansing in Rwanda and Srebrenica in 1994 and 1995, respectively. It was in February 1999 when the first debate on POC was held in the UN Security Council, which then adopted a presidential statement expressing grave concern over the civilian toll of conflict. Since then, the mandate of POC has been consistently used in UN peacekeeping operations: for example, in Sierra Leone (UNAMSIL, 1999); the Democratic Republic of Congo (DRC) (MONUC, 1999); Liberia (UNMIL, 2003); Cote d’Ivoire (UNOCI, 2004); Burundi (ONUB, 2004); Sudan (UNMIS, 2004 and UNAMID, 2007); the Central African Republic (CAR); Chad (MINURCAT, 2007) (See Table 1 below).

However, even ten years after that first Security Council debate, the UN Secretary-General acknowledged that “further efforts to strengthen POC remain crucial” in his report in May 2009. He also identified “human suffering owing to the fundamental failure of parties to conflict to fully respect and ensure respect for their obligations to protect civilians.” Moreover, he accepted that action on the ground have not yet matched progress in words and the development of international norms and standards (UN 2009a, para. 4). The report pointed out five core challenges in conducting POC by external organizations, one of which

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* Professor, Department of International Business Management, Kyoei University.

1 These five core challenges are enhancing compliance by parties to conflict with international law; enhancing compliance with the law by non-State armed groups; enhancing protection through more effective and better
was “enhancing protection through more effective and better resourced peacekeeping and other relevant missions.” Regarding this challenge, the Secretary-General stated that there remained a disconnect between mandates, intentions, expectations, interpretations, and real implementation capacity in the mission of POC in UN peacekeeping operations (UN 2009a, para. 51).

This paper intends to identify the cause of delay in the process of effecting POC, and suggests a solution to bridge the gap between actions and norms, particularly in the activities of the United Nations Mission in the Sudan (UNMIS). UNMIS was established on March 24, 2005 in accordance with Security Council Resolution 1590 (2005), which had a broad mandate centered on helping to implement the Comprehensive Peace Agreement (CPA). The CPA ended the decades-long conflict between the Government of Sudan, based in the northern part of Sudan, and the Sudan People’s Liberation Army/Movement (SPLA/M), supported mainly by people from the southern part of Sudan. Therefore, the responsibility of

<table>
<thead>
<tr>
<th>Country (City)</th>
<th>UN-led PKO</th>
<th>Dates</th>
<th>Protect Civilians?</th>
<th>“All Means Necessary?”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sierra Leone</td>
<td>UNAMSIL</td>
<td>Oct. 1999–Dec. 2005</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>DRC</td>
<td>MONUSCO (MONUC)</td>
<td>Nov. 1999–Present</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Liberia</td>
<td>UNMIL</td>
<td>Sep. 2003–Present</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Cote d'Ivoire</td>
<td>UNOCI</td>
<td>Apr. 2004–Present</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Burundi</td>
<td>ONUB</td>
<td>May 2004–Jan. 2007</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Sudan</td>
<td>UNMIS</td>
<td>Mar. 2004–July 2011</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Darfur, Sudan</td>
<td>UNAMID</td>
<td>Jul. 2007–Present</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>The CAR and Chad</td>
<td>MINURCAT</td>
<td>Sep. 2007–Present</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

UNMIS included the monitoring and verification of troop redeployments, assisting with the formation of Joint Integrated Units (JIUs), promoting rule of law, and investigating CPA violations. It should also be noted that the UNMIS mandate also included humanitarian activities, such as promoting human rights and protecting civilians under imminent threat of violence (Center on International Cooperation 2011, 48).

The evaluation of UNMIS has been mixed. On the positive side, the referendum in January 2011, the following independence of South Sudan in July 2011, and the successful replacement of UNMIS with UNMISS (United Nations Mission in the Republic of South Sudan)\(^2\) represented the culmination of a six-year peace process of the CPA, which included implementation of the UNMIS mandate. However, on the negative side, Sudan, as a country, has been far from secure, since the deployment of UNMIS. For example, according to the Report of the Secretary-General on the Sudan in July 2010, UNMIS received reports of as many as 66 incidents of inter-communal violence in Southern Sudan, in Warrap, Jonglei, Upper Nile, Western Bahr El Ghazal, and Western Equatorial States, with the killing of at least 41 people, mostly civilians, within three months (UN 2010a, paras. 39-40). Such persistent inter-communal violence in Sudan has led to a negative perception of UNMIS, since it failed to deliver on its POC mandate (Center on International Cooperation 2011, 48).

In this context, this paper addresses several issues of POC in UNMIS on both micro and macro levels, concluding with several recommendations to bridge the gap between the actions and norms in POC of UNMIS.

1. The Issues of POC in UNMIS on a Micro Level

UNMIS was a unique mission among all UN peacekeeping missions involving POC. According to the official paper published by UNMIS, its POC section was mandated to coordinate international efforts towards the protection of civilians, with particular attention to vulnerable groups, including internally displaced persons (IDPs), returning refugees, and women and children. It also reported that the achievements of POC included monitoring, reporting, and responding to the protection of civilians within UNMIS’ area of operations, mobilization of support to POC issues within the UN, and capacity-building of UNMIS staff, government authorities, and communities on protection (UNMIS 2009, 1-2). The UNMIS POC section worked with all protection actors, including UN representatives with protection mandates (i.e., UNHCR; UNICEF; UNMIS Human Rights), as well as INGOs, ICRC, and community-based organizations.

\(^2\) UNMISS was established on July 8, 2001 in accordance with Security Council Resolution 1996 (2011), with the mandate of supporting peace consolidation in South Sudan and of supporting the Government of South Sudan in enhancing the peace-building capacity including the sectors of security, rule of law, and development.
However, in reality, there were several issues with POC in UNMIS. First, the interpretation and definition of POC in UNMIS was rather limited. In fact, as the official paper explained, UNMIS POC was not only a pilot unit, but also the only protection unit within the Department of Peacekeeping Operations (DPKO). While many other organizations in Sudan that were engaged in the mission of “protection of civilians” existed, both internal and external to UN agencies, their view towards the mission of POC was different from that of UNMIS. For example, UNHCR in Sudan took a very long-term view of protection, focusing on employment generation, and the delivery of services such as sanitation, education, and health care. While these issues were important, the approach was contradictory to that of UNMIS, which focused on short-term issues of physical security (Refugee International 2009, 4). The view of NGOs towards POC tended to be more similar to that of UNHCR than to that of UNMIS. Furthermore, even within UNMIS, there were a number of separate units dedicated to POC, including those in Protection, Child Protection, Human Rights, and each of them approached the issue with very different objectives in mind. However, in reality, there was no opportunity for the disparate organizations engaged in POC to meet, exchange, and share information, or discuss opportunities to enhance their own missions of POC.

The second issue with POC in UNMIS was a lack of awareness of the mission mandate’s significance at the UN Security Council level, as well as among UNMIS personnel in the operational areas. Hitoshi Nasu claimed that the practice of POC in UN peacekeeping operations developed without much deliberation in the Security Council. For example, in the Council debates, Canada and Japan were strong advocates of the concept of POC. The UK, the Netherlands, Argentina, Namibia, Rwanda, and Uganda also enthusiastically supported the inclusion of POC in the mandate of UN and non-UN peacekeeping operations, for example, in ECOMOG, UNAMSIL, and MONUC. However, no other states provided any particular comment on the POC mandate in the Security Council. Of particular note was a lack of enthusiasm in the debate on POC with regard to its relevance with the mandate under Chapter VII of UN Charter (Nasu 2012, 119-120).

This lack of awareness regarding the need for POC at the Security Council level affected operational development in UNMIS. It was generally accepted that UNMIS was fundamentally regarded as a monitoring mission, and thus had more in common with traditional peacekeeping deployments, than with more coercive missions, such as those in the DRC and Darfur. UNMIS, in fact, did not have a strong mandate to intervene militarily in Sudan (Refugee International 2009, 2). Most of UNMIS’s mandates were categorized under Chapter VI of the UN Charter, pacific settlement of disputes. Sudan’s Unified Mission Plan in UNMIS stated, “the primary responsibility of the military component is to monitor the implementation of the Ceasefire Agreement which is part of the CPA (UN 2005, 27).” The Guidelines for Troop Contributing Countries Deploying Military Units to the United Nations Mission in Sudan simply required the infantry battalions of UNMIS to conduct mobile
ground patrols to enhance security, encourage confidence with the local population, and support a security framework within the sector (Department of Peacekeeping Operations Force Generation Service 2005, 30-31). In other words, UNMIS was primarily designed to oversee the disengagement of the parties to the conflict, and their deployment to the respective sides of the border in implementation of the CPA, not particularly to protect civilians from sudden outbreaks of non-CPA-related violence (Center on International Cooperation 2011, 48). Meanwhile, the mission of POC, which occasionally involved physical security, requires the activities under Chapter VII of the UN Charter. Accordingly, UN Security Council resolutions urged UNMIS to make full use of its military capabilities. Table 1 indicates that all of the eight UN-led peacekeeping operations since 1999 included the mandate of POC, and five of them included the mandate with the clause “all means necessary.” In other words, UNMIS, which included both of them in its mandate, was required to protect civilians even with coercive means.

However, according to an NGO paper, the UN did not prioritize the protection of civilians in southern Sudan:

*The UN DPKO has not provided enough support for protection activities; and the UNMIS in-country leadership has neglected civilian protection. ... UNMIS was concentrating on CPA monitoring, and a view existed among mission personnel that the Security Council added the protection component to the mandate as an afterthought. As a result, UNMIS has been slow to grapple with its mandated protection responsibilities and to use its resources to respond to a changing context* (Mailer and Poole 2010, 15).

Likewise, at the field level, awareness or understanding of the mission’s civilian protection responsibilities was also limited. In fact, some UNMIS personnel were entirely unaware of the Chapter VII component of the mandate. They believed that protecting civilians from tribal violence fell outside of the mission mandate, and was a distraction from its core business of supporting CPA implementation (*Ibid.*). They considered that the responsibility for POC lay with the government, particularly the police and other justice sector institutions that promote and defend the rule of law. POC activities by UNMIS, in their view, would result in negative consequences in UNMIS relations with the local people, since even the mere presence of international military peacekeepers tended to create expectations among the locals that they would be protected if violence should erupt (Refugee International 2009, 2).

The third issue, closely related to the second, is a lack of proactive action by UNMIS personnel. The rule of engagement (ROE) of UNMIS instructed its troops to “use force only when absolutely necessary to achieve your imminent aim, to protect yourself, your soldiers, UN or other designated personnel, installations, equipment and civilians under imminent
threat of physical violence (UNMIS 2005, E-1).” Furthermore, the ROE authorized troops to “use force … to protect civilians under imminent threat of physical violence, when competent local authorities are not in a position to render immediate assistance (Ibid., E-2). The regulation of the use of force in the ROE was considered appropriate because of incidents occurring in Sudan during the UNMIS periods. Nevertheless, many argued that UNMIS should have been more proactive in POC. For example, the report of the Secretary-General in June 2006 stated that hundreds of UNMIS soldiers had been deployed to provide protection mainly to UN installations, personnel, military observers, and logistics staff, but not to civilians (UN 2006).

In May 2008, UNMIS, in fact, faced a major challenge to its willingness to implement its POC mandate. Major conflicts between SPLA/M and the forces of the Sudanese Government broke out on May 13, 2008 in Abyei. The entire population of 30,000 civilians was forced to flee, when irregular forces, a faction of Southern Sudanese, looted and burned civilian homes, including a village that was within 45 meters of the UNMIS compound. After the civilians had fled, the UNMIS mission argued that it lacked a mandate to use force to protect civilian property. Meanwhile, US Special Envoy to Sudan Richard Willliamson criticized UNMIS for failing to take more robust action to protect civilians in Abyei (Holt, Taylor with Kelly 2009, 329-330).

In 2009, the POC Security Concept was developed by UNMIS Force HQ. However, the provisions in the Security Concept were not considered functional. According to the NUPI report on the POC in Jonglei State in Sudan, there was little opportunity for proactive action because of the absence of clear operational instructions as to when and how to react to a situation of “imminent threat” against civilians. Therefore, the report argued, any level of commanders in UNMIS tended to simply follow instructions and orders from others.

For instance, while the Security Concept provides for intervention of on-the-scene commanders encountering a situation where civilians are under threat, the military commanders in the field remained fully dependent on instructions from the national contingent commander at sector HQ in Malakal, before any action could be executed. The national contingent commander would in many cases further need to await instructions from his or her capital prior to an intervention (Breidlid and Lie 2011, 20).

The International Crisis Group also attributed the less proactive tendency to structural problems in UNMIS. The Group argued that its military doctrine severely limited opportunities for peacekeepers to engage armed actors. It also pointed out that deployment guidelines in sector headquarters and team sites allowed only a limited number of troops to undertake active patrols, and only to limited locations. As a result, some troop-contributing
states, such as India, complained of the conditions in which they had to operate. The reluctance of troop contributors with their POC mission was noted in long-range patrols. The objectives of long-range patrols were to show a UN presence, and to create cooperation with local communities where UN peacekeepers gather information on imminent attacks and movement of armed groups. However, troop contributors had been reluctant, and very few took place (International Crisis Group 2009, 22). The Group also asserted that UNMIS was capable of providing more robust protection in its current form, and its mandate to “protect civilians under imminent threat of physical violence” had been interpreted too conservatively (Ibid., 23).

Meanwhile, UNMIS attributed its insignificant POC performance in operational areas to restrictions on freedom of its movement. For example, a UNMIS helicopter was detained by SPLA/M, which assaulted its crew before allowing the helicopter to leave in July of 2010 (UN 2010b, para. 35). Likewise, in October 2010, an UNMIS convoy was repeatedly stopped at checkpoints in Warab State, by both the SPLA/M and the National Intelligence and Security Service. In some of these instances, drivers were physically assaulted or robbed of their personal effects by SPLA/M soldiers (UN 2010c, para. 44). The Secretary-General strongly criticized the Sudanese forces, claiming that such detention and physical assault of any UN personnel is entirely unacceptable (UN 2010b, para. 92). He described this in his report as follows:

While UNMIS continues these efforts, it must be emphasized that the presence of United Nations troops will not be enough to prevent a return to war, should widespread hostilities erupt. Only a demonstrated commitment by the parties to refrain from inflammatory statements, uphold the Comprehensive Peace Agreement ceasefire mechanisms and engage in dialogue to settle differences will succeed in maintaining peace (UN 2010c, para. 97).

In reality, the restrictions on freedom of movement created considerable delays in the ability of UNMIS to decisively monitor and verify the Ceasefire Agreement of CPA, and to assess situations with regard to POC and humanitarian needs (UN 2010a, para. 49). On one hand, one can agree with the Secretary-General’s criticism of the local forces’ non-compliance policy towards CPA and their lack of respect with the UN forces in Sudan. On the other hand, one can accept that UNMIS had not made full use of its Chapter VII and “all means necessary” mandates.

2. The Issues of the POC in UNMIS on a Macro Level

Another significant issue relating to POC concerns the capacity and adequate force level for UNMIS troops overall, which is a significant factor for the successful implementation of the
mandates of UN peacekeeping operations, especially in its application to the tasks of POC. When one peacekeeping soldier has to protect relatively a large number of civilians, and is in charge of a relatively large operational area, he/she will face great difficulty in conducting the mission of POC. For example, one could see the deterioration of operational effectiveness and efficiency of UNOSOM II in Somalia in 1992, compared with its previous US-led UNITAF. This decline in effectiveness was said to be attributable to the fact that UN-led UNOSOM II was in charge of larger operational areas in Somalia, with a smaller number of soldiers, than UNITAF. Lindenmayer, a then Principal Officer of the DPKO of the UN, pointed out the clear tendency of less advantageous conditions of UN peace operations than non-UN multi-national operations:

In Somalia, we went from 38,000 soldiers creating the conditions for the timely delivery of humanitarian aid to nation building. Instead of doing it only in the south of Somalia as the Americans did in UNITAF, the UN was tasked to do it throughout the whole country. In addition, we were mandated with disarming the factions with fewer soldiers than UNITAF had: we went from 38,000 to 28,000 troops. In the case of the Multinational Force in Haiti, the ratio of American soldiers to Haitian was five-to-one. By contrast, in Rwanda, our 270 peacekeepers were faced with armed factions numbering close to 50,000 (Lindenmayer 1997, 175).

Among UN peacekeeping operations, the tendency of marginalized conditions in Africa including Sudan was still noticeable in the post-UNOSOM periods. Table 2 refers to the UN peacekeeping operations in Timor-Leste (UNTAET), Cambodia (UNTAC), the DRC (MONUSCO) and Somalia (UNMIS), showing their military strength [(A)], country populations [(B)], country size [(C)]. The Table then calculates the number of civilians per soldier [(B)/(A)] and the size of the operational area per soldier [(C)/(A)]. It is understood that the larger the numerical values of (B)/(A) and (C)/(A) are, the larger the difficulty faced by the peacekeeping soldiers conducting their missions of POC. In this context, as can be from Table 2, MONUSCO in the DRC, and UNMIS in Sudan, are less advantageous than UNTAET in Timor-Leste, and UNTAC in Cambodia, both of which are said to be successful cases of UN peacekeeping operations in implementing their mandates. It is especially remarkable that the numerical values of (B)/(A) and (C)/(A) in UNMIS are about 400 times and 200 times larger than those of UNTAET. Recognizing the fact that Timor-Leste is a tiny island in the South Pacific, and that Sudan is the largest country in Africa, the above gap is the reality to which the UN should pay special attention.

In fact, a number of incidents involving civilian casualties have been noted in the reports of the Secretary-General on the Sudan since the CPA in January 2005. For example, from November 27 to 30, 2006, heavy fighting between elements of the Sudanese Armed Forces
(SAF) and the SPLA/M killed at least 150 people, including civilians in Malakal, Upper Nile. It was the most serious violation after the ceasefire in 2002 (UN 2007a, para. 3). Another serious incident of violence took place in May 2007, when armed members of the Toposa tribe attacked unarmed members of the Didinga tribe in Lauro, Eastern Equatoris, killing 54 people, mostly women, and stealing 800 head of cattle (UN 2007b, para. 3). Furthermore, on April 18 and 19, 2009, heavy fighting between the Murle and the Lou Nuer in Akobo County, Jonglei State, resulted in an estimated 195 civilians killed and 70 wounded, including women and children (UN 2009b, para. 2). Thus, regular records of security incidents and these civilian casualties could be partly attributable to the relative shortage of UN peacekeeping personnel for national population and country size of Sudan.

It should also be noted that there was a gap between the UN and other organizations (such as NGOs) in evaluations of UNMIS. This is clearly seen in the reports of NGOs and the Secretary-General on the Abyei situation in 2008. For example, the field report of Refugee International stated:

*The violence that erupted in Abyei in May 2008 is a perfect illustration of expectation outstripping UNMIS capabilities. The outbreak of violence between the Sudan People’s Liberation Army [SPLA] and the Sudanese Armed Forces [SAF] in the town of Abyei, an oil rich area on the border, started as a small incident between individual soldiers at a military checkpoint that snowballed quickly into a full scale military confrontation. In the aftermath of the crisis, UNMIS faced a huge backlash from local communities, international advocates, and representatives of Security Council member states for its failure to diffuse the situation, and to protect civilians and prevent their displacement* (Refugee International 2009, 2-3).

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**Table 2. Military strength, country populations, and country sizes of UN peacekeeping operations**

<table>
<thead>
<tr>
<th>Country</th>
<th>UNPKO</th>
<th>(A) Military Strength</th>
<th>(B) Country Population</th>
<th>(C) Country Size (km²)</th>
<th>(B)/(A)</th>
<th>(C)/(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timor-Leste</td>
<td>UNTAET</td>
<td>9,145 (2002)</td>
<td>870,000 (2002)</td>
<td>15,007</td>
<td>95</td>
<td>1.6</td>
</tr>
<tr>
<td>Cambodia</td>
<td>UNTAC</td>
<td>15,591 (1993)</td>
<td>9,310,000 (1993)</td>
<td>181,035</td>
<td>597</td>
<td>11.6</td>
</tr>
<tr>
<td>DRC</td>
<td>MONUSCO</td>
<td>19,157 (2013)</td>
<td>70,320,000 (2013)</td>
<td>2,345,410</td>
<td>3,671</td>
<td>122.4</td>
</tr>
<tr>
<td>Sudan</td>
<td>UNMIS</td>
<td>9,080 (2009)</td>
<td>39,120,000 (2009)</td>
<td>2,506,000</td>
<td>4,308</td>
<td>275.9</td>
</tr>
</tbody>
</table>

Source: UN Department of Peacekeeping Operations. Calculated by the author.
Thus, the evaluation on UNMIS by Refugee International was far from positive in its response to the violence erupted in Abyei in 2008. This report is not compatible with the report of the Secretary-General publicized almost in the same period:

*Implementation of the security arrangement under Abyei Road Map Agreement made good progress. As at 4 October [2008], almost all SAF and SPLA personnel had left the Road Map area as required (UN 2008, para. 9).*

Presumably, the most accurate reality would be that described in the comments of UNMIS officials, who argued that:

*...with roughly 10,000 troops deployed across a vast territory, severe logistical constraints, and a primarily non-interventionist mandates, their resources are insufficient to provide civilians with the sort of protection that they may eventually need* (Refugee International 2009, 2-3).

The comments of UN officials in UNOSOM and UNMIS who had field experience in the operational areas are more realistic than those of the Secretary-General. Meanwhile, it is not only the populations and sizes of host countries relative to which the number of troops is too small in Africa. Paul Williams, an academic expert of peacekeeping operations in Africa, emphasized that the real problem in peacekeeping in Africa was that there were far too few peacekeepers relative to the complexity and magnitude of the tasks (Williams 2011, 203). Williams argued that there are common problems that generate complexity and pose particular challenges for peacekeeping in Africa. He argued first that Africa’s wars did not fit neatly within state borders. He argued that a second complicating factor was the problematic nature of most of the peace agreements that peacekeepers were asked to support. Such agreements did not address the complete range incompatibilities driving the war, for instance, and they were not fully comprehensive. A third common problem in the complexity of peacekeeping in Africa was the large number of conflict parties (*Ibid.*, 194-195).

These three problems described by Williams were also identified in the conduct of peacekeeping operations in UNMIS. Regarding the first factor of complexity in Sudan, before South Sudan became independent from the North in 2011, there was virtually “a state border” between Arabic-led North and African Black-led South. Furthermore, there was the cross-border nature of the conflicts across Sudan, Chad, and the Central African Republic. There are 597 tribes and sub-tribes, which speak 133 languages and even more dialects, in Sudan. Andrew Natsios argued that a number of the largest tribes, such as the Dinka, speak so many distinctive dialects that many are incomprehensible to each other. Therefore, rivalries and tensions among the Dinka sub-tribes remain a historical reality in southern Sudan, as do
tensions among the Arab tribes, such as the Misiriyya and Rizaiqat of the North. Natsios concluded that it was something of an oxymoron to write about “tribal reality (Natsios 2012, 10).”

In terms of the second nature of complexity of peacekeeping identified by Williams, on the one hand, it took almost ten years to conclude the CPA in Sudan, making it one of the longest and most “meticulously negotiated peace agreements (Deng 2005, 15).” On the other hand, however, the CPA in Sudan has been considered not to be inclusive, as simply an agreement between two parties, the SPLM and the National Congress Party (NCP). In other words, the CPA merely concentrated power in the two parties. It was considered unfair by other political parties, which felt rather marginalized. Furthermore, Matthew LeRiche and Matthew Arnold claimed that the CPA was, in substance, incapable of resolving the core/periphery dynamics of the entire Sudan, and was likely to conclude with Southern independence, while doing nothing to resolve the issues of marginalization and equality in the North (LeRiche and Arnold 2012, 110-111).

Regarding the third of Williams’ identified issues, the case of Sudan is, again, not exceptional. There have been a large number of parties in conflict in Sudan. There have been chiefly four categories of major conflicts in Sudan: North-South Civil War; the so-called Three Areas (Abyei, South Kordofan, and Blue Nile); the South-South problems; and Darfur. Each conflict has involved a large number of conflict parties. In contrast, in the cases of Timor-Leste in the 2000s, and Cambodia in 1990s, the number of conflicting parties was much more limited; they consisted primarily of the pro-Indonesian militias in Timor-Leste, and the Khmer Rouge in Cambodia, respectively. In Sudan, many conflict parties were not professionals, and sometimes amounted to little more than militias, thugs, and criminals, who, for the most part, ignored the rule of law. It is highly probable that such armed groups would easily and deliberately target civilians.

On the whole, all three factors of complexity in the nature of peacekeeping operations that had been identified by Williams applied to UNMIS, and therefore, UNMIS should have required a much larger number of troops. Presumably, a number of critical reports on POC in the operational areas of UNMIS resulted from the marginalization of the above issues by the international community.

Furthermore, attention should be paid to the quality and capability of troops and their resources, as well as to the number of troops. To this point, it should be noted that Security Council Resolution 1674 (2006) stated the intention of the Council to ensure that POC is prioritized in decisions concerning the use of available capacity and resources in the implementation of mission mandates (UN 2009a, para. 54). Nevertheless, Adam Smith and Arthur Boutellis argued that when troop-contributing countries (TCCs) are committed in the
initiation of new UN peacekeeping operations, the principle focus is on the number of troops, rather than on their capabilities. They also argue that the selection of TCCs is too often politicized (Smith and Boutellis 2013, 1). The argument of Smith and Boutellis has legitimacy according to the Tables 3 and 4 below, which indicate the origin of UN PKO’s military personnel in the Middle East, such as UNIFIL, and Africa, such as UNMIS, by region in 2006. The majority of troops in UN peacekeeping operations in the Middle East was deployed from European TCCs, and that in Africa was from the African and Central and South Asian TCCs. Such a clear division of labor in deploying peacekeeping troops in the Middle East and Africa is due to political motivations, especially of European countries.

Table 3. Origin of UN Military Personnel in the Middle East by Region: October 31, 2006

<table>
<thead>
<tr>
<th>Region</th>
<th>Troops/ Military Observers</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>640</td>
<td>6.3</td>
</tr>
<tr>
<td>East Asia and the Pacific</td>
<td>468</td>
<td>4.6</td>
</tr>
<tr>
<td>Central and South Asia</td>
<td>914</td>
<td>9</td>
</tr>
<tr>
<td>Middle East</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Europe</td>
<td>8,104</td>
<td>79.9</td>
</tr>
<tr>
<td>Central and South America</td>
<td>8</td>
<td>0.1</td>
</tr>
<tr>
<td>North America</td>
<td>13</td>
<td>0.1</td>
</tr>
</tbody>
</table>


Table 4. Origin of UN Military Personnel in Africa by Region: October 31, 2006

<table>
<thead>
<tr>
<th>Region</th>
<th>Troops/ Military Observers</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>17,943</td>
<td>32.9</td>
</tr>
<tr>
<td>East Asia and the Pacific</td>
<td>2,414</td>
<td>4.4</td>
</tr>
<tr>
<td>Central and South Asia</td>
<td>24,468</td>
<td>52.2</td>
</tr>
<tr>
<td>Middle East</td>
<td>2,197</td>
<td>4</td>
</tr>
<tr>
<td>Europe</td>
<td>1,551</td>
<td>2.8</td>
</tr>
<tr>
<td>Central and South America</td>
<td>1,957</td>
<td>3.6</td>
</tr>
<tr>
<td>North America</td>
<td>57</td>
<td>0.1</td>
</tr>
</tbody>
</table>


---

3 Smith and Boutellis said “the most recent series of initiatives for doing so aim to change the culture of UN peacekeeping from what has been characterized as a ‘number-driven approach’ to a more ‘capability-driven approach’ (Ibid., p. 3.).”
Table 5. Military Units of UNIFIL and UNMIS in 2006

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>UNIFIL (September–October 2006)</th>
<th>UNMIS (September 30, 2006)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering</td>
<td>Belgium, China, France</td>
<td>Zambia, Bangladesh, China, Egypt, India, Pakistan</td>
</tr>
<tr>
<td>Headquarters</td>
<td>Italy</td>
<td>Rwanda</td>
</tr>
<tr>
<td>Infantry</td>
<td>France, Ghana, India, Italy, Spain</td>
<td>Bangladesh, Kenya, India, Pakistan, Egypt, Nepal, Zambia</td>
</tr>
<tr>
<td>Military Police</td>
<td>Italy</td>
<td>Bangladesh</td>
</tr>
<tr>
<td>Signals</td>
<td>Italy</td>
<td>India</td>
</tr>
</tbody>
</table>


Table 5 refers to the military units of UNIFIL in the Middle East, and UNMIS in Africa, in 2006. This Table also indicates that UNFIL has been a typically Euro-centric UN operation, while UNMIS was predominantly an African- and South Asian-centric operation. Therefore, peacekeeping operations in Africa including Sudan, which have consisted of developing countries, have suffered from a lack of technical capabilities. In other words, they have lacked specialized units, including engineers, medics, intelligence gatherers, special forces, interpreters, and vehicles, including helicopters, armored personnel carriers (APCs), and unmanned aerial vehicles, in addition to having inadequate communications and logistical support (Williams 2010, 22). In fact, the Secretary-General pointed out the problem of the scarce aviation resources in UNMIS, which had influenced the mission of POC (UN 2010a, para. 49). The problem of a lack of aviation resources in UNMIS was particularly recognized in September 2010, when the Indian Government informed the UN of its decision not to renew the contract for the deployment of six military unit helicopters to UNMIS. The Indian Aviation Unit represented one third of the military utility helicopter capability in UNMIS. UNMIS was faced with the difficulty of finding alternative TCCs to provide aviation resources, and eventually had to rely on commercial aircraft (UN 2010b, para. 33). A lack of aviation resources in the huge territory of Sudan, combined with a relatively small number of troops, created a challenging task for those conducting POC missions, such as spotting incidents of human right abuses perpetrated by militias and brutal armed groups.

Recommendations and Conclusion

Overall, many lessons have been learned from the case of UNMIS with regard to POC. First, it was problematic that satisfactory attention was not paid to the mandate of POC by the
international community and those involved in the mission itself when UNMIS was started. This is evidenced by the fact that the consensus of the definition of POC was not formed among the DPKO, UNMIS staff, and NGOs involved. However, as can be concluded from Table 1, the mandate of POC was not new to African peacekeeping operations when UNMIS began. Therefore, it is recommended that UN peacekeepers take the initiative to establish a POC working group that includes representatives from UN peacekeepers, including military and civilian staff, other UN agencies operating in peacekeeping fields, and NGOs (Refugee International 2009, 4). Such a working group would also play a productive role on an inter-governmental level. In fact, in the report of the Secretary-General on POC in armed conflict in September 1999, the Secretary-General recommended that the Security Council establish its working groups relating to certain specific volatile situations in order to improve the understanding of causes and implications of conflict towards enhancing the function of POC (UN 1999, para. 14).

It is also noted from Table 1 that the mandate of POC and “all means necessary”—in other words, the Chapter VII mandate—were not necessarily linked. However, it is universally accepted that when peacekeeping soldiers intend to conduct their POC missions with a strong commitment and a high degree of professionalism, they will surely come across situations requiring use of the Chapter VII mandate. It is especially applicable in peacekeeping in Africa, where peace agreements are extremely fragile and brutal war crimes are rampant. Therefore, it is suggested that more efforts towards consensus-building measures should be made between the DPKO and the Security Council in creating peacekeeping mandates on POC, with the expectations of conducting Chapter VII missions.

In the operational fields, lack of awareness of POC by peacekeeping soldiers resulted in a lack of proactive actions during their tasks. Lack of proactive actions can be partly solved by reforming military doctrine, allowing soldiers to be given more opportunity to engage in armed action for POC. As the International Crisis Group claimed, the significance of the tasks of information-gathering for the enhancement of POC missions should also be more broadly recognized among peacekeeping soldiers of each TCC. Opportunities should be provided for special training and seminars on POC for potential peacekeeping soldiers, before their dispatching to UN peacekeeping. Such training can be conducted by the respective national troops, instructed by the DPKO in advance.

This paper also illustrated the absolute shortage of peacekeeping personnel in UNMIS. This tendency is particularly at issue in UN peacekeeping in Africa, where country size and national population are relatively large. Furthermore, not only in absolute terms, as Paul Williams claimed, there have been too few peacekeepers relative to the complexity of regional conflicts in Africa (i.e., where conflicts do not fit state borders, peace agreements are immature, and a larger number of conflict parties are involved). All of these tendencies
existed in Sudan in UNMIS. Therefore, it is recommended that the Security Council have a new mechanism to estimate an adequate number of soldiers needed in each UN peacekeeping operation, in accordance with each host country’s population and national size, as well as the degree of complexity of each conflict. If the Security Council demands a larger number of peacekeeping soldiers than the current number as a result of the estimation, the Council should consider collecting more peacekeeping soldiers in Sudan and other African countries more evenly and broadly from all of the UN member states in the world. In addition, the Security Council should play a more important role in encouraging European states to transfer their troops from the Middle East and Afghanistan to Africa. There is a significant gap between developed and developing TCCs in their military capabilities, such as aviation resources. Therefore, the Security Council, with the consultation with the DPKO, should consider creating a quota system of TCCs in UN peacekeeping operations, enabling the peacekeepers to be deployed more evenly from European, American, African, and Asian states. The further enhancement of the functions of POC in UN peacekeeping would require such a political consensus.

Furthermore, if UN operations still lack peacekeeping personnel even after the above reform, the international community might consider a more selective means of dispatching to conflicting states for UN peacekeeping purposes. A selected number of UN peacekeeping operations, with a satisfactory size of troops and sophisticated military capabilities, would result in better performance of soldiers and enhanced effectiveness and efficiency of the entire peacekeeping mission. This would be better than supporting a greater number of UN operations at lower performance levels, with a small number of soldiers and poor capabilities that will not be able to win trust and reliance from the civilians in host countries. In the long run, the UN should take responsibility for building a good reputation and records of its peacekeeping operations on POC, in order to exert its leadership in areas of the world where it is needed.
Abbreviation

APCs: Armored Personnel Carriers
CAR: Central African Republic
CPA: Comprehensive Peace Agreement
DPKO: Department of Peacekeeping Operations
DRC: Democratic Republic of Congo
ECOMOG: Economic Community of West African States Monitoring Group
HQ: Headquarters
ICRC: International Committee of the Red Cross
IDPs: Internally Displaced Persons
INGOs: International Non-Governmental Organizations
JIU: Joint Integrated Units
MINURCAT: United Nations Mission in the Central African Republic and Chad
MONUC: United Nations Organization Mission in the Democratic Republic of the Congo
NCP: National Congress Party
NGOs: Non-Governmental Organizations
NUPI: Norwegian Institute of International Affairs
ONUB: United Nations Operation in Burundi
POC: Protection of Civilians
ROE: Rule of Engagement
SAF: Sudanese Armed Forces
SPLA/M: Sudan People’s Liberation Army/Movement
TCC: Troop Contributing Countries
UK: United Kingdom
UN: United Nations
UNAMSIL: United Nations Mission in Sierra Leone
UNHCR: United Nations High Commissioner for Refugees
UNICEF: United Nations Children’s Fund
UNIFIL: United Nations Interim Force in Lebanon
UNITAF: United Task Force
UNMIL: United Nations Mission in Liberia
UNMIS: United Nations Mission in the Sudan
UNMISS: United Nations Mission in the Republic of South Sudan
UNOCI: United Nations Operation in Côte d’Ivoire
UNOSOM II: United Nations Operation in Somalia II
UNPOC: United Nations Mission in Sudan, Protection of Civilian Section
UNTC: United Nations Transitional Authority in Cambodia
UNTAET: United Nations Transitional Administration in East Timor
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